IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 192 OF 2001

Shri Mansing Yadavrao Pawar ... Petitioner

V/s.

The State of Maharashtra & Anr. ... Respondent

Mr. Uday Warunjikar & Mr. Vilas Tapkir for the petitioner.
Mr. S.S. Pakale for respondent No. 2 & 3
Smt. S.S. Bhende,AGP for State.

CORAM : A.M. KHANWILKAR, J.
DATED : 26th June, 2006

P.C.

. Heard counsel for the parties. This Contempt Petition is filed complaining willful disobedience of the direction of the Court's Order dated 19.04.2000 in Writ Petition No. 411 of 2000. On reading that order it is seen that two directions were given. First direction was to the Department to forward pension papers of the petitioner within one week from the date of the order. Second direction was to the Education Officer to forward the same to the concerned authority. The concerned authority was then required to decide the claim of the petitioner and release pension in favour of petitioner within two months from the date of the order.

2. It is submitted that the Department forwarded

papers after one week. Moreover, the competent authority namely Accountant General, Maharashtra State decided the pension claim of the petitioner in November, 2001 taking the view that as the petitioner was dismissed from service as per Rule 45 of the Maharashtra Civil Services (Pension) Rule, 1982, the petitioner was not eligible for pensionary benefits. Counsel for the petitioner has no knowledge, whether this decision has been challenged by the petitioner. Be that as it may, the fact remains that final decision has been taken by the competent authority on the pension claim of the petitioner. In deed there has been delay at the instance of the department as well as competent authority in deciding the claim of the petitioner, that however, by itself does not mean that it is case of willful disobedience of the order of the Court. Taking this view of the matter, it is not a fit case for initiating contempt action against respondents. Petitioner if aggrieved by the decision of the competent authority, may avail of remedy as may be available in law.

3. The contempt petition is disposed of. Notices issued to the respondents stand discharged.

[A.M. KHANWILKAR,J.]